

REMARKS

Claims 1-2, 4-7 and 9-11 were rejected as anticipated by KOBAYASHI 5,282,139. Reconsideration and withdrawal of the rejection are respectfully requested.

The claims provide, among other features, that the batch-manufacturing apparatus determines whether the number of lots in the batch has reached a predetermined maximum, that a request for more lots is sent from the batch-manufacturing apparatus to the host computer when the predetermined maximum has not been reached, and that the host computer determines whether additional lots are available and that the additional lots are sent to the batch when the maximum has not been reached and the additional lots are available.

KOBAYASHI does not disclose these steps and thus the claims avoid the rejection under §102. KOBAYASHI discloses a system for prioritizing lots based on alternative techniques, namely the maximum value, mean value, and sum selection methods described at column 1, line 57 through column 2, line 9, and at column 8, line 35 through column 9, line 50. At column 5, lines 18-21, KOBAYASHI disclose that this priority is used to feed lots to the one of the plural available devices whose load is below rated capacity. There is no indication that the controller 4 determines whether the number of lots in the batch has reached a predetermined maximum or that a request for more lots is sent from the batch-manufacturing apparatus to the host computer when

the predetermined maximum has not been reached. KOBAYASHI is concerned with getting the higher priority lots through the processor, and does not have the batch-manufacturing apparatus ask the host computer for more lots when it determines that a batch is less than maximum. In addition, KOBAYASHI does not disclose carrying additional batch-processable product lots to the batch-manufacturing apparatus when the predetermined maximum has not been reached and the additional lots are available.

The citations in the Official Action have been carefully considered, but they relate to the prioritization (e.g., a maximum priority value), not to the maximum number of lots in the batch. Accordingly, the amended claims avoid the rejection under §102.

Claims 3 and 8 were rejected as unpatentable over KOBAYASHI in view of KIM 5,997,656. Reconsideration and withdrawal of the rejection are respectfully requested.

These claims provide that the additional loading request is deleted when the number of lots reaches the predetermined maximum or the request is not in time to initiate the batch manufacturing process, whichever occurs first. KIM does not make for the shortcomings noted above, and does not suggest deleting the additional loading request when the number of lots reaches the predetermined maximum or the request is not in time to initiate the batch manufacturing process, whichever occurs first. KIM relates to unloading during emergency

conditions. The above noted events are not emergencies and one of skill in the art would not glean from these references that the delete message is to be sent under these routine circumstances. Accordingly, these claims avoid the rejection under §103.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Thomas W. Perkins, Reg. No. 33,027
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

TWP/psf